

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**ORDER**

Application 29474 Permit 20527 License                     

**ORDER RESCINDING REVOCATION ORDER OF  
JULY 28, 1995 AND REINSTATING PERMIT**

**WHEREAS:**

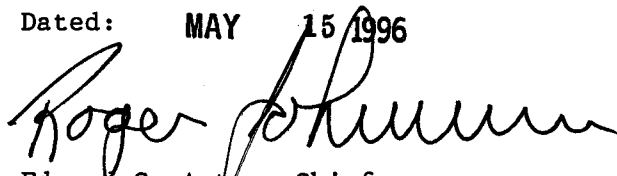
1. Permit 20527 was issued to Gary R. Plato and Glenn A. George on May 15, 1991, pursuant to Application 29474.
2. In a letter dated March 7, 1995 Gary Plato stated in part "By this correspondence, please be advised that after a complete review of all the details, we made a decision not to proceed with our project. As a consequence, nothing was done, and at this point nothing is planned." The letter was considered an abandonment of the project.
3. On July 28, 1995 an ORDER REVOKING PERMIT was issued by the State Water Resources Control Board (SWRCB).
4. On August 9, 1995 permittee informed the SWRCB that his intentions were not to abandon the project. By letter dated August 15, 1995 SWRCB staff provided a Petition for Extension of Time form and in part stated "If an extension of permit time is deemed proper, the the petition will be processed, and the Order Revoking Permit, dated July 28, 1995 will be rescinded..."
5. On January 19, 1996 the SWRCB issued an ORDER APPROVING A NEW DEVELOPMENT SCHEDULE. However, the Order did not reinstate the permit.
6. The interests of justice should be served by rescinding the July 28, 1995 Order and reinstating Permit 20527 (as modified by the January 19, 1996 Order approving a new development schedule).

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The SWRCB hereby rescinds the Order Revoking Permit 20527, dated July 28, 1995.

2. Permit 20527, as modified by the January 19, 1996 order, is hereby reinstated.

Dated: MAY 15 1996

A handwritten signature in dark ink, appearing to read "Roger Schum", is written over the typed name "Edward C. Anton".

for Edward C. Anton, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

Application 29474 Permit 20527 License                     

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE**

**WHEREAS:**

1. Permit 20527 was issued to Gary R. Plato and Glenn A. George on May 15, 1991, pursuant to Application 29474.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 31, 2000

(0000008)

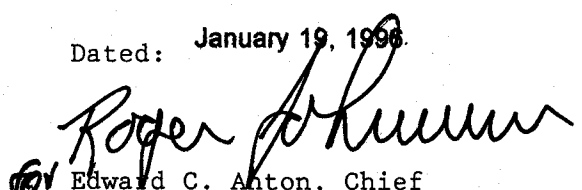
2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 2005

(0000009)

Dated: January 19, 1996

  
Edward C. Anton, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20527

Application 29474 of Gary R. Plato and Glenn A. George

1737 Laurelwood Drive, San Jose, CA 95125

filed on April 27, 1989, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

<u>(1-3) Unnamed Stream</u>	<u>Cowell Creek thence</u>
<u></u>	<u>San Antonio Creek thence</u>
<u></u>	<u>South Fork Calaveras River thence</u>
<u></u>	<u>New Hogan Reservoir thence</u>
<u></u>	<u>Calaveras River thence</u>
<u></u>	<u>San Joaquin River</u>

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
ONSTREAM STORAGE (1) HOLE #4 RESERVOIR - NORTH 550 FEET AND WEST 1,200 FEET FROM SE CORNER OF SECTION 30	SE $\frac{1}{4}$ OF SE $\frac{1}{4}$	30	5N	15E	MD
(3) HOLE #8 RESERVOIR - NORTH 3,000 FEET AND WEST 2,000 FEET FROM SE CORNER OF SECTION 31	SW $\frac{1}{4}$ OF NE $\frac{1}{4}$	31	5N	15E	MD
DIVERSION TO OFFSTREAM STORAGE (2) NORTH 3,100 FEET AND WEST 1,950 FEET FROM SE CORNER OF SECTION 31	SW $\frac{1}{4}$ OF NE $\frac{1}{4}$	31	5N	15E	MD
OFFSTREAM STORAGE HOLE #1 RESERVOIR	SW $\frac{1}{4}$ OF NE $\frac{1}{4}$	31	5N	15E	MD

County of Calaveras

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acre
SEE ADDENDUM						

The place of use is shown on map on file with the State Water Resources Control Board.

## ADDENDUM

**Application 29474**

Permit 20527[illegible]

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 15 acre-feet per annum to be collected from November 1 of each year to May 1 of the succeeding year as follows: 6 acre-feet per annum in Hole #4 Reservoir, 4 acre-feet per annum in Hole #1 Reservoir and 5 acre-feet per annum in Hole #8 Reservoir. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

The maximum rate of diversion to offstream storage shall not exceed 0.5 cubic foot per second. (000005J)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin within two years of the date of this permit and thereafter shall be prosecuted with reasonable diligence. (0000007)

8. Construction work shall be completed by December 31, 1994. (0000008)

9. Complete application of the water to the authorized use shall be made by December 31, 1995. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. Permittee shall install and maintain an outlet pipe of adequate capacity in the dams for Hole #4 Reservoir and Hole #8 Reservoir as near as practicable to the bottom of the natural stream channel, and an outlet pipe or alternative facility of adequate capacity from Hole #1 Reservoir to the stream channel, or provide other means satisfactory to the State Water Resources Control Board in order that water entering the reservoirs which is not authorized for appropriation under this permit can be released. Before starting construction, permittee shall submit plans and specifications of the outlet pipes or alternative facilities to the Chief of the Division of Water Rights for approval. Before storing water in the reservoirs, permittee shall furnish evidence which substantiates that the outlet pipes or alternative facilities have been installed. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050043)

15. Permittee shall install and properly maintain in the reservoirs a staff gage, satisfactory to the State Water Resources Control Board, for the purpose of determining water levels in the reservoirs.

Permittee shall record the staff gage readings on or about December 1 of each year and April 15 of each succeeding year. Such readings shall be supplied to the State Water Resources Control Board with the next progress report submitted to the Board by permittee.

The State Water Resources Control Board may require the release of water which cannot be verified as having been collected to storage prior to December 1 of each year.

Permittee shall allow Lakemont Pines Homeowners Association and all successors in interest, or a designated representative, reasonable access to the reservoirs for the purpose of verifying staff gage readings and determining water levels in the reservoirs. (0070047)  
(0100047)

16. Whenever the prior storage rights of Lakemont Pines Homeowners Association under License 7105 issued pursuant to Application 13923 are not satisfied by April 15 of any year, water collected to storage under this permit during the current collection season shall be immediately released at the maximum practicable rate to the extent necessary to satisfy said prior downstream storage rights. Permittee shall not be obligated to release water collected to storage under License 4347A issued pursuant to Application 13916A or to release water in the reservoirs below the previous December 1 staff gage readings unless permittee has withdrawn water from the reservoirs for consumptive purposes since December 1. (0000051)

17. In accordance with Sections 1601, 1603, and/or 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted under this permit until permittee has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of permittee. (0000063)

18. This permit is subject to prior rights. Permittee is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Calaveras River Basin are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing. (0000090)

19. The total quantity of water diverted to storage in Hole #4 Reservoir under this permit, together with that diverted under the license issued pursuant to Application 13916A, shall not exceed 6 acre-feet per annum. (0000114)

20. The amount of water diverted under this permit shall be deducted from the amount of water authorized for diversion under Permit 15012 issued to Calaveras County Water District pursuant to Application 11792A. (000Q001)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

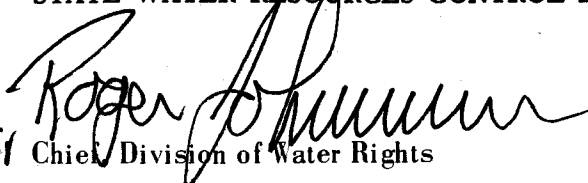
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: MAY 15 1991

STATE WATER RESOURCES CONTROL BOARD

  
61 Chief, Division of Water Rights